REMARKS

Favorable consideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 8-14 are pending in the application with Claims 8-9 having been amended by way of the present amendment.

In the outstanding Office Action dated April 24, 2003, the substitute specification was objected to; Claims 8-14 were rejected under 35 U.S.C § 112, second paragraph; and Claims 8-11 and 13-14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Chang (U.S. Patent No. 6,058,113) hereinafter Chang in views of Crisler et al. (U.S. Patent No. 5,481,537, hereinafter Crisler).

The specification is amended as suggested in the Official Action. No new matter is added. Therefore, the objection to the substitute specification is believed to be overcome.

Claims 8 and 9 are amended to correct the typographical error noted in the Official Action. No new matter is added. Therefore, the rejections of the claims under 35 U.S.C § 112, second paragraph is believed to be overcome.

Applicants acknowledge with appreciation the interview on June 18, 2003 between Applicants' representative and the Examiner.

Briefly recapitulating, independent Claim 8 is directed to a data and telecommunications transmission method configured to transmit a plurality of data streams between a receiving terminal and a transmitting terminal via at least one fixed network and another network, the another network comprising links with variable bandwidth and quality, and the fixed network being controlled by a resource reservation protocol. The method comprises updating a specific resource reservation corresponding to a specific data stream at an upstream node in the fixed network when a downstream node of the another network is unable to maintain a predetermined transmission quality for the specific data stream; shunting

temporarily the specific data stream at the upstream node; and utilizing temporarily the specific resource reservation at the upstream node for other traffic while still maintaining the correspondence of the specific resource reservation and the specific data stream for future reactivation. By only temporarily reassigning resource reservations, a receiving station can more quickly re-establish services than is possible with conventional systems that simply delete resource reservations when they cannot be supported and then re-establish these resource reservations later.[1]

Chang discloses a method for establishing and refreshing multicast resource reservations.[2] In particular, Chang discloses a method for maintaining correct resource reservations when the state of the multicasting group has changed.[3] The changes in state disclosed by Chang as initiating a change in resource reservation are the addition or deletion of a multicast subscriber, a change in a multicast route, or a change in quality of service.[4] In Chang, when a resource reservation must be changed due to reductions in link quality, a resource management message is sent to all affected nodes which will result in re-routing traffic through alternate nodes in response the degradation in service.[5]

However, as noted in Applicants' correspondence of March 28, 2003 and in the Interview Summary of June 18, 2003, Chang does not teach or suggest 'temporarily shunting a specific data stream at an upstream node' as recited in Applicants' independent Claim 8. Also as noted in the Interview Summary of June 18, 2003, Chang also does not teach or suggest 'temporarily utilizing the specific resource reservation at the upstream node assigned to the specific data stream for other traffic while still maintaining the correspondence of the

[1] Specification, page 1, line 29 – page 2, line 14.
[2] Chang, column 8, line 51 – column 9, line 20, and Figure 4.
[3] Chang, column 9, lines 20-40, and Figure 5.
[4] Chang, column 9, line 64 – column 10, line 8.
[5] Chang, column 11, lines 3-31, Figures 5-6.

specific resource reservation and the specific data stream for future reactivation' as recited in Applicants' independent Claim 8. Thus, as agreed during the interview, Chang does not anticipate or render obvious the invention recited in Claim 8, or any claim depending therefrom.

Also as discussed during the interview, the Crisler and Crowcroft references do not cure the deficiencies of Chang. Crisler discloses transmitting reservation grants according to a preferred signaling technique, where the signaling technique is determined based on a quality measurement.[6] Crowcroft discloses hierarchal coding.[7] Like Chang, neither Crisler nor Crowcroft teach or suggest 'temporarily shunting a specific data stream at an upstream node' or 'temporarily utilizing the specific resource reservation at the upstream node assigned to the specific data stream for other traffic while still maintaining the correspondence of the specific resource reservation and the specific data stream for future reactivation' as recited in Applicants' independent Claim 8. Therefore, as none of the cited references, individually or in combination, teach or suggest all the elements recited in Applicants' independent Claim 8, agreement was reached during the interview to withdraw all pending rejections as well as the finality of the pending rejection.[8]

[6] Crisler, column 2, lines 44-55.
[7] Crowcroft, page 1.
[8] MPEP § 2142 "...the prior art reference (or references when combined) must teach or suggest **all** the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)."

Accordingly, in view of the present amendment and in light of the previous discussion, it is respectfully submitted that the application is believed in condition for allowance and early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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